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## UTILITY PATENT APPLICATION TRANSMITTAL

(New Nonprovisional Applications Under 37 CFR § 1.53(b))

Attorney Docket No.

IDT-1666A

## TO THE ASSISTANT COMMISSIONER FOR PATENTS:

Transmitted herewith is the patent application of ( ) application identifier or (X) first named inventor, Shih-Ked Lee, entitled GATE STRUCTURES HAVING SIDEWALL SPACERS USING SELECTIVE DEPOSITION AND METHOD OF FORMING THE SAME, for a(n):

( ) Original Patent Application.

(X) Continuing Application (prior application not abandoned):

- ( ) Continuation ( ) Divisional (X) Continuation-in-part (CIP)  
 of prior application No: 09/927,604 Filed on: August 10, 2001  
 (X) A statement claiming priority under 35 USC § 120 has been added to the specification.

Enclosed are:

- (X) Specification; 13 Total Pages. (X) Drawing(s); 2 Total Sheets.  
 (X) Oath or Declaration:  
 (X) A Newly Executed Combined Declaration and Power of Attorney:  
 (X) Signed. ( ) Unsigned. ( ) Partially Signed.  
 ( ) A Copy from a Prior Application for Continuation/Divisional (37 CFR § 1.63(d)).  
 ( ) Incorporation by Reference. The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied, is considered as being part of the disclosure of the accompanying application and is hereby incorporated herein by reference.  
 ( ) Signed Statement Deleting Inventor(s) Named in the Prior Application. (37 CFR § 163(d)(2)).  
 ( ) Power of Attorney. (X) Return Receipt Postcard.  
 ( ) Associate Power of Attorney. ( ) A Check in the amount of \$ \_\_\_\_\_ for the Filing Fee.  
 ( ) Preliminary Amendment. ( ) Information Disclosure Statement and Form PTO-1449.  
 (X) A Duplicate Copy of this Form for Processing Fee Against Deposit Account.  
 ( ) A Certified Copy of Priority Documents (if foreign priority is claimed).  
 ( ) Applicant claims small entity status.  
 (X) Other: Nonpublication Request

CLAIMS AS FILED				
FOR	NO. FILED	NO. EXTRA	RATE	FEE
Total Claims	20	0	\$18.00	\$ 0.00
Independent Claims	4	1	\$84.00	\$ 84.00
Multiple Dependent Claims (if applicable)				\$0.00
Assignment Recording Fee				\$40.00
Basic Filing Fee				\$770.00
Total Filing Fee				\$ 894.00

Charge \$ 894 to Deposit Account 501006 pursuant to 37 CFR § 1.25. At any time during the pendency of this application, please charge any fees required or credit any overpayment to this Deposit Account.

Respectfully submitted,

By: Kenneth Glass  
 Kenneth Glass, Attorney of Record, Reg. No. 42587

Date: March 25, 2004

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I hereby certify that this is being deposited with the U.S. Postal Service "Express Mail Post Office to Addressee" service under 37 CFR § 1.10 on the date indicated below and is addressed to:

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<b>NONPUBLICATION REQUEST UNDER 35 U.S.C. 122(b)(2)(B)(i)</b>	First Named Inventor	Lee
	Title	GATE STRUCTURES HAVING SIDEWALL SPACERS USING SELECTIVE DEPOSITION AND METHOD OF FORMING THE SAME
	Atty Docket Number	IDT-1666A

I hereby certify that the invention disclosed in the attached application **has not and will not be** the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing.

I hereby request that the attached application not be published under 35 U.S.C. 122(b).

March 25, 2004

Date

  
Signature

Kenneth Glass

Typed or printed name

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application **upon filing**.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant **must** notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).**